

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 8th day of March 2006

III Bail application no. 934 of 2005

Order on the bail application of the accused.

CRIMINAL SIDE

Roop Ram @ Homma
S/o Sri Shiv Nath @ Balaknath,
R/o Dera Baluwa,
Police Station Shamli,
District Muzaffar Nagar. ...Applicant/ appellant

Versus

State of Uttaranchal ..Opposite party

Arising out case crime no. 17/2002
U/Ss 394, 34, 302, 411 IPC.
P.S. Kankhal
District Haridwar.

Hon'ble M.M. Ghildiyal J.

Heard Sri Nagesh Agarwal, learned counsel for the accused/ applicant and learned A.G.A. for the State on the bail application and perused the record.

This is 3rd bail application moved for bail by the accused. The 2nd bail application was rejected on 29.09.2003.

A counter affidavit has been filed by the State. In para-11 of said counter affidavit it has been stated that as far as the question of recovery of silver ring or silver paddle from the possession of the accused is concerned, these articles were not connected with the present case at hand, but these articles were connected with some other case at Rampur.

Counsel for the accused submits that firstly, it is apparent from the counter affidavit that the looted items did not belong to the present case, which occurred at Kankhal; the co-accused from whose possession the looted articles relating to the Kankhal incident were recovered, has been released on bail; the accused is in judicial custody since 25.04.2002.

Since the co-accused has been granted bail by this Court on 23.06.2005, the accused is also entitled to bail.

Let the accused Roop Ram @ Humma be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(M.M. Ghildiyal, J.)

March 8, 2006:

NCM: